

REMARKS

Included herein is a request for a three-month extension of time along with the appropriate fee.

In the Office Action mailed 8/27/2004, Claims 1-9, 11 and 13-14 were rejected as being anticipated by the prior art under 35 U.S.C. §102(e). Claims 10, 12 and 15 were rejected as being obvious over the prior art under 35 U.S.C. § 103.

Drawing figures 5 and 6 were objected to under 37 CFR §1.84.

In response, Applicant has amended claims 1, 6, and 11. Applicant has proposed drawing corrections to drawing figures 5 and 6. Applicant has further added new Claims 16 - 18. No new matter has been entered.

Lack of Prima Facie Case of Anticipation under 35 U.S.C. §102(e)

Applicant's claims 1-9, 11 and 13-14 are rejected as being anticipated by Li et al., U.S. Patent No. 6,757,869. Applicant's claimed invention was conceived on or before January 2000, and was diligently reduced to practice before February 18, 2000. Both of these dates precede the filing date of Li (March 20, 2000). Since Applicant's claimed invention was conceived and diligently reduced to practice prior to the effective date of Li, Li is not an effective reference under 35 U.S.C. §102(e). As such, this ground for rejection must be withdrawn.

Applicant has attached declarations of Dmitri Soloviev (inventor) and Richard Lu (witness) presenting facts and evidence substantiating the dates of conception and reduction to practice.

Lack of Prima Facie Case of Obviousness under 35 U.S.C. §103(a)

Applicant's Claims 10, 12 and 15 were rejected as being obvious over the combination of Li and Cucchiara, U.S. Patent No. 6,546,424. As discussed above, Li is not an effective reference under 35 U.S.C. §102(c) (or for any other anticipation rejection). Cucchiara was first made public when it was issued as a patent on April 8, 2003. Li was first made public when it was issued as a patent on June 29, 2004. Applicant's claimed invention was filed on July 7, 2000, predating the publication of either Cucchiara or Li. Since Applicant's claimed invention was filed prior to the disclosures of Cucchiara or Li becoming available to the inventor of the subject Application, these references are not effective references under 35 U.S.C. §103(a). As such, this ground for rejection must be withdrawn.

Further Aspects of Patentability

Even if Li and Cucchiara were not excluded for being improper references, Applicant respectfully asserts that neither Li nor Cucchiara anticipates nor renders the instant claims obvious for the following reasons:

1. Applicant's claimed "emulations" are not the same as Li's "style sheets." Applicant has clearly identified to what the term emulation refers. It is not unlike a "simulation" of the emulated device. In contrast, Li refers to formatting commands according to "style sheets;" style sheets are simply forms or masks that drive the exchanged data to appear according to a pre-ordained format. Clearly a form cannot be said to be an emulation (or simulation). As

such, Applicant's claimed elements are not anticipated. Furthermore, they cannot be rendered obvious by Li, since Li fails to hint at the use of an emulation at all.

Furthermore, Cucchiara discloses and claims an "apparatus and method for analyzing the effect of adding a user group to a computer network." Nothing in Cucchiara hints at the control of remote devices via operation of emulations. Rather, Cucchiara deals with performance issues related to network group membership changes. Not only does Cucchiara not suggest Applicant's claimed invention, it is not even analogous to Applicant's invention. Should the Examiner disagree, Applicant respectfully requests that he indicate what facts, including his personal experiences, he bases his position on.

2. Applicant's claims recite "grouping" and "packaging" data being communicated between devices. Nothing in Li or Cucchiara discloses or hints at grouping or packaging the data being transmitted.

3. Applicant's claims recite "remoting systems;" to operate/interact with remote devices. Li discloses an interface with "legacy applications" by translating data transmissions coming from and going to the legacy applications according to "style sheets." The "remoting systems" are responsive to "emulations", and not style sheets/forms. Cucchiara fails to discuss any type of remote control because it does not deal with the field of the control of remote devices over a network.

Since neither Li, nor Cucchiara disclose or hint at Applicant's claimed invention, neither of these "references" would support anticipation or obviousness rejection of

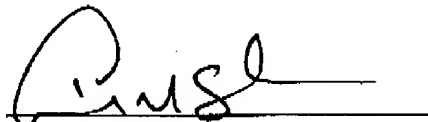
Applicant's claims, even if they were effective references. As such, Applicant's claims should be allowed.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests that the application be reconsidered, the claims be allowed, and the case passed to issue.

Respectfully submitted,

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